IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.147 OF 2006

Jasvindersing M.Abrol ...Petitioner
Versus
The Commissioner of Police,
Greater Mumbai & Anr. ...Respondents

Mrs. V.B.Thadani with Shri Vishal Thadani for the Petitioner.
Shri R.M.Patne, A.G.P for the Respondents.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 19th JANUARY, 2006.
P.C.

1. Heard Mrs. Thadani learned Counsel appearing for the petitioner and Shri Patne learned A.G.P appearing for the respondents.

2. The grievance made by the petitioner that the Appeal preferred against an order of suspension of the licence issued in his favour has been decided Exparte, has some substance because it appears from the perusal of the Appellate order that the Appeal was placed for hearing sometime in January-February, 2005. The

order under challenge is passed on 3rd December, 2005. It proceeds on the basis that at the hearing on 17th October, 2005, the petitioner and the Advocate remained absent. However, the Appellate order does not indicate that the petitioner was informed of this hearing. In the Writ Petition, it is specifically averred by the petitioner that after this Court directed expeditious disposal of the Appeal, the matter was fixed before the concerned Minister, but, on two occasions the hearings were postponed. It is specifically averred in Ground No.(a) that the petitioner did not receive any notice with regard to the hearing fixed on 17th October, 2005. In these circumstances, the principles of natural justice have been grossly violated.

3. Shri Patane learned A.G.P appearing for the respondents was unable to point out that the petitinoer had any notice of the hearing held on 17th October, 2005.

4. In these circumstances, interest of justice would be served if the Appeal preferred by the petitioner against the order dated 29th June, 2004 is restored to the file of the Appellate Authority for disposal afresh and in accordance with law. Needless to state that the Appellate Authority would hear and dispose of the Appeal after granting personal hearing to the petitioner and/or his Advocate. Impugned order dated 3rd December, 2005 passed by the Appellate Authority is set-aside. The appeal stands restored to file for being disposed of on merits and in accordance with law, within a period of four weeks from the date of receipt of the copy of this order. The order of this Court dated 28th September, 2004 staying the effect of the order dated 29th June, 2004 passed by the Police Authorities shall continue till the disposal of the Appeal and for a period of one week from its disposal. All contentions on merits are

expressly kept open. Parties to appear before the Appellate Authority on 30th January, 2006.

(S.C.DHARMADHIKARI, J)